

Mid-West University
Graduate School of Law
Surkhet, Nepal



Syllabus for BALLB Program
Eighth Semester, 2022

COURSE FRAMEWORK

Program: BALLB

Semester: Eighth

S. No	Course CodeNo	Course Name	Credit Hour	Feature
1.	LAW 481	Fair Trial and International Standard and Practice (ICCPR and CAT)	3:00	Theoretical
2.	LAW 482	Rights to Standard Living and Development	3:00	Theoretical
3.	LAW 483	Clinical Works: International Moot Court Trainings and Practices	3:00	Practical
4.	LAW 484	Comparative Study on SAARC Constitution (Part II)	3:00	Theoretical
5.	LAW 485	Introduction to the Principles of Public Interest Litigation and Judicial review	3:00	Theoretical
	Five Subjects		15 Cr	12-Theoretical 3-Practical

Course: Fair Trial and International Standard and Practice (ICCPR and CAT)

Types of Course: Theoretical

Credit Hour: 03: 00

Semester: Eighth

Course Code: LAW 481

Objectives of this course are:

- i. To familiarize students about basic ideas of fair trial
- ii. To help them understand the international fair trial standards
- iii. To introduce them with the national and international practice of fair trial

<u>Major Topic</u>	<u>Contents</u>	<u>Methodology of Teaching</u>
Introduction	a) Concept and Elements of Fair Trial b) Principle of Fair Trial c) Stages of Fair Trial	Lecture, Interaction and Discussion
International Fair Trial Standard	a) On Arrest b) On Detention c) On Representation d) On Proceedings	Lecture, Interaction and Discussion
Rights under Fair Trial Standard	Rights under Fair Trial Standard	Lecture, Interaction and Discussion
Protection of Fair Trial During State of Emergency	Protection of Fair Trial During State of Emergency	Lecture, Interaction and Discussion
Laws on Fair Trial	a) National Laws b) International Laws	Lecture, Interaction and Discussion
Monitoring of Fair Trial	a) National Mechanism b) International Mechanism	Lecture, Interaction and Discussion
Fair Trial and Due Process of Law	Fair Trial and Due Process of Law	Lecture, Interaction and Discussion

Recommended Books:

1. Constitution of Nepal
2. Muluki Criminal Code, 2074
3. Treaty Act, 1992
4. UDHR
5. ICCPR, General Recommendation
6. CAT

7. Yubaraj Sangroula, ' Concepts and Evolution of Human Rights : Nepalese Perspectives' KSL , 2005
8. Amal Clooney, Philippa Webb, The Right to a Fair Trial in International Law, OUP Oxford, 2021
9. OHCHR and International BAR Association, Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers, 2003
10. Thomas Brooks, The Right to a Fair Trial, 2009

Course: Rights to Standard Living and Development

Types of Course: Theoretical

Semester: Eighth

Credit Hour: 03: 00

Course Code: LAW 482

Major Topic	Contents	Methodology of Teaching
Introduction	a) Human Rights b) Right to Adequate Living Standard c) Right to Development	Lecture, Interaction and Discussion
International Bill of Human Rights	a) Universal Declaration of Human Rights b) Twin Covenants and Optional Protocols (ICESCR and ICCPR) c) Progressive Realization of Economic, Social and Cultural Rights- Meaning and Scope d) Justiciability of ESDR e) Dichotomy Between Civil and Political Rights and Social Rights- Generation Theory	Lecture, Interaction and Discussion
International Instrument and their Features	a) ICCPR b) ICESCR c) CEDAW d) CRC e) CERD f) Declaration on the Right to Development	Lecture, Interaction and Discussion
Nexus Between Right to Standard Living and Development	Nexus Between Right to Standard Living and Development	Lecture, Interaction and Discussion
Implementation Mechanism and Enforcement of ICESCR and Other Rights	Implementation Mechanism and Enforcement of ICESCR and Other Rights	Lecture, Interaction and Discussion

Recommended Books:

1. Constitution of Nepal
2. ICCPR, 1966

3. ICESCR, 1966
4. CEDAW, 1979
5. CRC, 1989
6. CERD, 1969
7. UN Declaration on the Right to Development 1986
8. Treaty Act, 1992
9. CAT, 1984
10. Yubaraj Sangroula, ' Concepts and Evolution of Human Rights : Nepalese Perspectives'
KSL , 2005
11. Nihal Jayawickrama, The Judicial Application of Human Rights Laws, Cambridge
University Press, 2017
12. OHCHR, Realizing the Right to Development, 2013
13. Yubaraj Sangroula, Right To An Adequate Standard Of Living, Development And Social
Respect And Dignity, 2004.
14. Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, 1997
15. Mathew C.R. Craven, The International Covenant on Economic, Social and cultural
Rights: A Perspective on Its Development, 1995.
16. Thomas Franck, The Emerging Right to Democratic Governance, 1992.

Course: Clinical Works: International Moot Court Trainings and Practices**Types of Course: Practical****Credit Hour: 03: 00****Semester: Eighth****Course Code: LAW 483**

Major Topic	Contents	Methodology of Teaching
Introduction	• Moot Court • Importance • Moot Court Competitions	Lecture, Interaction and Discussion
Preparing Memorandum	• Preparing Memorandum, • Preparing Memorial, • Preparing Pleading Note	Drafting and Workshop
Fundamental Skills of Mooting	• Persuading Skill • Communicating Skill • Presentation Skill • Research Skill	Lecture, Interaction, Role-play
Language and Mooting	• Using Legal Language, jargons, Maxims • Framing Core Theory • Framing Arguments and Reasoning • Using Authority	Lecture, Interaction, Role-play
Legal Research and Mooting	• Identifying Law in Issue • Identifying Fact in Issue • Collection of Primary and Secondary Source of Authority • Case Law Research	Lecture, Interaction, Roleplay
Moot Court Practice	• Understand the Moot Problem • Research • Preparation of Memorial • Oral Presentation	Lecture, Interaction, Roleplay

Reference Books

- Gyanu Gautam, Clinical Legal Education, Lex and Juris Publication, 2019
- Paul I. Weizer, How to Please the court; A Moot Court Handbook, 2004
- Abhinandan Malik, Moot Courts and Mooting, 2015
- Christopher Kee, The Art of Argument, A guide to Mooting, 2006

Course: Comparative Study on SAARC Constitution (Part II)**Types of Course: Theoretical****Credit Hour: 03: 00****Semester: Eighth****Course Code: LAW 484****Objectives of this course are:**

- i.** To make students familiar with the constitutional provisions of countries of South Asia
- ii.** To help them understand the evolution of the constitutional law in South Asia
- iii.** To make them compare and analyze the Nepalese constitution with other constitutions of South Asia

Major Topic	Contents	Methodology of Teaching
Comparative Study of Constitution of SAARC Countries and its Features	a) Afghanistan b) Bangladesh c) Bhutan d) India e) Maldives f) Nepal g) Pakistan h) Sri Lanka	Lecture, Interaction and Discussion
History of Constitution making in SAARC Countries	History of Constitution making in SAARC Countries	Lecture, Interaction and Discussion
Nepalese Constitution	a) Experience of Constitution Making in Nepal b) Failure of the Constitution of Kingdom of Nepal, 2047 and its causes c) Constitution as an Instrument of Peace Accord in Nepal	Lecture, Interaction and Discussion
Constitution through Constituent Assembly: Experience	a) Bangladesh b) India c) Nepal d) Pakistan	Lecture, Interaction and Discussion
Miscellaneous	a) Democracy and Constitution b) Democracy in South Asia and problem c) Challenges and Problems of Constitution Making and Implementation in SAARC	Lecture, Interaction and Discussion

Recommended Books:

1. Constitution of SAARC Countries (All)
2. Kamal Raj Thapa (ed), Governance, Constitution and Contemporary Issues, 2066, Pub.
By LRAF Pvt. Ltd.
3. Dr.Bhimarjun Acharya, Fundamental Rights in World Constitutions (2008), Pairavi Book
House, Putalisadak, Kathmandu
4. Lokatntrik Sambidhan Ka Adarharu , Sarathi Publication

Course: Introduction to the Principles of Public Interest Litigation and Judicial Review**Types of Course: Theoretical****Credit Hour: 03: 00****Semester: Eighth****Course Code: LAW 485****Objectives of this course are:**

- i. To make students familiar with the concepts and principles of public interest litigation and judicial review
- ii. To help them understand the evolution of the public interest litigation
- iii. To build practical experience of students through exercise of simulation
- iv. To make the students understand international practice of public interest litigation and compare it with Nepalese context

Major Topic	Contents	Methodology of Teaching
Meaning, Concept and Development	a) Public Interest b) Public Interest Litigation c) Judicial Review d) Rationality behind PIL and JR e) Development of Public Interest Litigation and Judicial Review f) Differences between Public Interest Litigation and Judicial Review	
Jurisdiction	a) Jurisdiction of Court to Hear Public Interest Litigation b) Jurisdiction of Court to Hear Judicial Review	
Practice of PIL and JR in Nepal	a) Practice before 2047 B.S. b) Practice after 2047 B.S. c) Relevant Legal and Constitutional Development	
International Practice of PIL and JR and its comparison to Nepal	a) India b) Japan c) South Africa d) U.K. e) U.S.A.	
Miscellaneous	a) Public Interest, Class Interest and Social Interest Litigation b) Issue of Locus Standi in PIL and JR c) Law of Limitation d) Judicial Review and Judicial Anarchy	

Recommended Books:

1. Ram Prasad Aryal, Procedural Law, Lex and Juris Publication 2021
2. Gyanendra Bahadur Shrestha, Procedural Law, Pairavi Prakashan (Nepali),
3. Gretrude Block, Effective Legal Writing, , Foundational Press,1992
4. Basanta Lal Wadehra, Public Interest Litigation: A Handbook, with Model PIL Formats, Universal Law Publishing, 2009
5. Mamta Rao, Public Interest Litigation in India: A Renaissance in Social Justice', Eastern Book Company, 2004
6. Vidhey Upadhyay, Public Interest Litigation in India concepts, cases, concerns', LexisNexis, 2007.
7. Dr. Kailash Rai, Public Interest Lawyering, Legal Aid And Para-Legal Services, Central Law Publications, 2014